

## **REMARKS**

### *Status of Claims*

Claim 13 has been amended and claims 17-20 have been cancelled. Accordingly, claims 13, 14, 16 and 21-24 are presented and at issue. Reconsideration and allowance of the application in view of the foregoing amendments and following remarks are respectfully requested.

### Rejections Under 35 U.S.C. §101

Claims 13, 14, 16 and 20-24 stand rejected under 35 U.S.C. §101 because the claimed invention allegedly directed to non-statutory subject matter. Applicants have amended claim 13 to specifically recite that method is conducted on sender and receiver computing devices. As such, the method is tied to particular apparatus' as required in the Office Action. Claim 13 and all claims that depend therefrom are believed to be within the strictures of 35 U.S.C. §101 and, accordingly, request that this rejection be withdrawn.

### Rejections Under 35 U.S.C. §102 and §103

Claims 13, 14, 16, and 21-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication 2001/0037453 to Mitty et al. Claims 13, 14, 16 and 21-23 also stand rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Patent 6,828,709 Reha et al. Claim 24 stands rejected under 35 U.S.C. §103 as being obvious in view of Mitty and Raha. In view of the amendments to claim 13, these rejections are respectfully traversed.

Claim 13 has been amended to recited establishing a state variable associated with said recipient, the state variable including one or more parameters, wherein said state variable includes a function configured to select code operating at the recipient computing device and the state variable is updated by the selected code, the state variable being stored at the recipient computing device.

Neither Mitty nor Raha teach or suggest a state variable having a function configured to select code operating at the recipient computing device and the state

variable is updated by the selected code, the state variable being stored at the recipient computing device. Indeed, in all of the teachings of both references, the state variable is stored and update at the sender, not the recipient.

As such, the cited references do not teach or suggest the invention as recited in claim 13. Accordingly, claim 13, and claims 14, 16 and 21-24 which depend from it, are patentable over the cited references.

**Conclusion**

In view of the foregoing amendments and remarks, it is submitted that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 09-0463. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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